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Attorney for Defendant Mark Lewis

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

vs.

MARK LEWIS,

Defendant.

Case No.: 2:24-cr-00041-RFB-NJK

**MOTION TO WAIVE RULE 32(f)
TIMING REQUIREMENTS**

COMES NOW defendant MARK LEWIS, by and through his counsel of record, Jason F. Carr, Esq, hereby moves and requests that the presentence investigation report (PSR) objecting and timing requirements, as provided in Federal Rule of Criminal Procedure 32(f), be waived so that the matter may proceeding to a joint sentencing and supervised release revocation proceeding on September 30, 2024. (*See* ECF No. 25.)

This Motion is based on the following Declaration of Counsel.

DATED this 16th day of August 2024.

Respectfully submitted,

HOFLAND & TOMSHECK

/s/ Jason F. Carr
JASON F. CARR, ESQ.
Counsel for Defendant
Mark Lewis

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge
8/19/2024

DECLARATION OF JASON F. CARR

I, Jason F. Carr, Esq, pursuant to 28 U.S.C. § 1746, hereby declare the following:

1. I am appointed CJA counsel for Mark Lewis in the above-entitled matter. I have personal knowledge of all matters contained herein and am competent to testify thereto.

2. That defendant Mark Lewis Defendant MARK LEWIS, hereby waives the presentence investigation report (PSR) objecting and timing requirements, as provided in Federal Rule of Criminal Procedure 32(f), so that the matter may proceeding to a joint sentencing and supervised release revocation proceeding on September 30, 2024. (*See* ECF No. 25.)

3. That I have spoken to Mr. Lewis about the rights he is waiving and that Mr. Lewis agrees that waiving the Rule 32(f) requirements will best achieve his goal of being sentenced as soon as possible.

4. That Mr. Lewis' agreement to waive Rule 32(f) requirements is consistent with my advice because the parties have stipulated to a certain Sentencing Guideline base offense level, the bases for supervised release revocation, and the sentence that should be imposed for that revocation. By waiving the Rule 32(f) filing requirements, the Office of Probation will have adequate time to complete the PSR in time for the September 30, 2024 joint proceeding without unduly impacting that office. The truncated timelines should not impact the case or otherwise prejudice Mr. Lewis because it is unlikely there will be any substantive objections to the PSR.

I declare under penalty of perjury under the laws of the United States of America that is true and correct.

EXECUTED this August 16, 2024.

/s/ Jason F. Carr
JASON F. CARR, ESQ.

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2024, I electronically filed the foregoing **MOTION TO WAIVE RULE 32(f) TIMING REQUIREMENT** with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

The Defendant, Mark Lewis is not a registered CM/ECF user. I will ensure that this office mails a copy of this pleading at or near the time of filing.

/s/ Jason F. Carr
Hofland & Tomsheck
Jason F. Carr, Esq.

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